

Affidavit Attesting that Qualified Forest Property Shall Remain Qualified Forest Property

Issued under authority of P.A. 378 of 2006. Filing is mandatory.

INSTRUCTIONS: This form must be filed to claim that a transfer of property is not a statutory transfer of ownership because the property will continue to be qualified forest property. This form must be filed with the register of deeds for the county in which the qualified forest property is located and then with the assessor of the local tax collecting unit where this property is located.

1. Street Address of Property		2. County
3. City/Township/Village Where Real Estate is Located		<input type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village
4. Name of Property Owner(s) and Address (Print or Type)	5. Property ID Number (from Tax Bill or Assessment Notice)	
6. Legal Description (Legal description is required; attach additional sheets if necessary)		
7. Daytime Telephone Number	8. E-mail Address	

CERTIFICATION & NOTARIZATION (Notarization necessary for recording with Register of Deeds)

I certify that the information above is true and complete to the best of my knowledge. I further certify that the property noted on this affidavit currently is and will remain qualified agricultural or qualified forest property.

Signed _____

Name (Print or Type) _____

Title _____

Must be signed by owner, partner, corporate officer, or a duly authorized agent.

State of _____

County of _____

Acknowledged before me this _____

day of _____, _____

By _____

Notary Signature _____

Name of Notary (Print or Type) _____

Notary Public, State of Michigan,

County of _____

My commission expires: _____

Acting in the County of _____

Drafter's Name _____

Drafter's Address _____

LOCAL GOVERNMENT USE ONLY		
Number of Acres <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Assessor's Signature	Date

Assessor must forward a copy of this affidavit if approved to the Department of Natural Resources at:

Qualified Forest Property Tax Exemption

Forest, Mineral & Fire Management

Michigan Department of Natural Resources

P.O. Box 30452

Lansing, MI 48909-7952

Instructions for Completing Form 4508,

Affidavit Attesting that Qualified Forest Property Shall Remain Qualified Forest Property

This form must be filed by the person to whom qualified forest property is transferred to claim that the transfer is not a statutory transfer of ownership because the property will continue to be used as qualified forest property. This form must be filed with the register of deeds for the county in which the qualified forest property is located. This form must also then be filed with the local assessor in the township or city where the qualified forest property is located.

EXCERPTS FROM MICHIGAN COMPILED LAWS (MCL)

Section 211.7jj[1]

(1) Except as otherwise limited in this subsection, qualified forest property is exempt from the tax levied by a local school district for school operating purposes to the extent provided under section 1211 of the revised school code, 1976 PA 451, MCL 380.1211, according to the provisions of this section.

(5) Not more than 90 days after all or a portion of the exempted property is no longer qualified forest property, the owner shall rescind the exemption for the applicable portion of the property by filing with the local tax collecting unit a rescission form prescribed by the department of treasury. An owner who fails to file a rescission as required by this subsection is subject to a penalty of \$5.00 per day for each separate failure beginning after the 90 days have elapsed, up to a maximum of \$1,000.00. This penalty shall be collected under 1941 PA 122, MCL 205.1 to 205.31, and shall be deposited in the general fund of this state.

(7) If the assessor of the local tax collecting unit believes that the property for which an exemption has been granted is not qualified forest property based on a recommendation from the department of natural resources, the assessor may deny or modify an existing exemption by notifying the owner in writing at the time required for providing a notice under section 24c. A taxpayer may appeal the assessor's determination to the board of review meeting under section 30. A decision of the board of review may be appealed to the residential and small claims division of the Michigan tax tribunal.

(8) If property for which an exemption has been granted under this section is not qualified forest property, the property that had been subject to that exemption shall be immediately placed on the tax roll by the local tax collecting unit if the local tax collecting unit has possession of the tax roll or by the county treasurer if the county has possession of the tax roll as though the exemption had not been granted. A corrected tax bill shall be issued for each tax year being adjusted by the local tax collecting unit if the local tax collecting unit has possession of the tax roll or by the county treasurer if the county has possession of the tax roll.

(9) If property for which an exemption has been granted under this section is converted by a change in use and is no longer qualified forest property, the property is subject to the qualified forest property recapture tax levied under the qualified forest property recapture tax act. An owner of qualified forest property shall inform a prospective buyer of that qualified forest property that the qualified forest property is subject to the recapture tax provided in the qualified forest property recapture tax act, if the qualified forest property is converted by a change in use.

(10) If qualified forest property is exempt under this section,

an owner of that qualified forest property shall annually report to the department of natural resources on a form prescribed by the department of natural resources the amount of timber produced on that qualified forest property and whether any buildings or structures have been constructed on the qualified forest property. Beginning in 2008, and every 3 years thereafter, the department of natural resources shall provide to the standing committees of the senate and house of representatives with primary jurisdiction over forestry issues a report that includes all of the following:

- (a) The number of acres of qualified forest property in each county.
- (b) The amount of timber produced on qualified forest property each year.

Section 211.27a. (3)

"Upon a transfer of ownership of property after 1994, the property's taxable value for the calendar year following the year of the transfer is the property's state equalized valuation for the calendar year following the transfer."

Section 211.27a. (6)

"...'[T]ransfer of ownership' means the conveyance of title to or a present interest in property, including the beneficial use of the property, the value of which is substantially equal to the value of the fee interest."

Section 211.27a.(7)(O)

A transfer of qualified forest property, if the person to whom the qualified forest property is transferred files an affidavit with the assessor of the local tax collecting unit in which the qualified forest property is located and with the register of deeds for the county in which the qualified forest property is located attesting that the qualified forest property shall remain qualified forest property. The affidavit under this subdivision shall be in a form prescribed by the department of treasury. An owner of qualified forest property shall inform a prospective buyer of that qualified forest property that the qualified forest property is subject to the recapture tax provided in the qualified forest property recapture tax act, 2006 PA 379, MCL 211.1031 to 211.1036, if the qualified forest property is converted by a change in use. If property ceases to be qualified forest property at any time after being transferred, all of the following shall occur:

- (i) The taxable value of that property shall be adjusted under subsection (3) as of the December 31 in the year that the property ceases to be qualified forest property.
- (ii) The property is subject to the recapture tax provided for under the qualified forest property recapture tax act, 2006 PA 379, MCL 211.1031 to 211.1036.